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EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,048

Applicant(s)

ABE ET AL.

Examiner

Charlie C. Agwumezie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15, and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/21/04; 02/02/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 5 and 16 are cancelled. Claims 1, 8, 11 and 19 are amended. Claims 1-4, 6-15 and 17-20 are pending in this application per the response to office action filed February 17, 2006.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8-15, and 19-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagenbuch U.S. Patent No. 5,650,928 in view of Ukai et al U.S. Patent Application Publication No. 2003/0191581 A1.

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3. As per claim 1, Hagenbuch discloses a method performed by a computer system for providing secondhand article information, comprising:

a usage history storage step in which the collected usage data are stored as usage history in a database (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55); and

a usage history provision step in which, while said article is being put up for sale as a secondhand article, the usage history of the said article stored in said data base, is provided to a customer via a network (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55).

a usage data recollection step in which when said article is used while said article is being put up for sale as a secondhand article, said usage data are recollected (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55);

usage data updating step in which the history of the said article stored in said data base are updated based on the recollected usage data (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55; col. 23, lines 54-65); and

an updated usage history provision step in which while the said usage history of said article are updated, the updated usage history of the said article stored in said data base, is provided to he customer via the network (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55; col. 23, lines 54-65; col. 25, lines 27-49).

Wherein said usage data comprises operation data that shows an amount of work done by said article (see claims 29, 30 and 31).

What Hagenbuch et al does not explicitly disclose is

Putting up the article up for sale and providing that information to the customer via the network.

Ukai et al Putting up the article up for sale and providing that information to the customer via the network (see fig. 1 and 5).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hagenbuch and incorporate the ability to provide a updated usage history data, while said article is being put up for sale as a secondhand article, updated usage history are provided to the customer via the network as taught by Ukai et al in order to make available the updated usage history data immediately available to the potential customer for the purposes of evaluating the condition of the article before purchase.

4. As per claim 2 and 9, Hagenbuch further discloses a method performed by a computer system for providing secondhand article information, wherein said usage data collection step or current state data collection step includes a step for collecting usage data or current state data for said article by communicating with said article from a remote location away from the said article (see abstract; fig. 17; col. 8, line 60-col. 9, line 8).

5. As per claim 3, Hagenbuch further disclose a method further comprising:

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a service data collection step in which, when said article has been serviced, service data that shows the facts relating to the service of the said article are collected (col. 56, lines 30-65);

a service history storage step in which the collected service data are stored as service history in said data base (col. 56, lines 30-65); and

a service history provision step in which, while said article is being put up for sale as a secondhand article, the service history for said article stored in said data base, is provided to a customer via a network (col. 56, lines 30-65).

What Hagenbuch does not teach is the service history for said article stored in said data base, is provided to a customer via a network.

Ukai et al discloses the service history for said article stored in said data base, is provided to a customer via a network (see figs. 1 and 5).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hagenbuch and incorporate the ability to provide a service history data, while said article is being put up for sale as a secondhand article, service history data are provided to the customer via the network as taught by Ukai et al in order to make available the service history data immediately available to the potential customer for the purposes of evaluating the condition of the article before purchase.

6. As per **Claims 4 and 14**, Hagenbuch does not expressly show a system wherein said usage data collection steps, said usage history storage step, and said usage

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history provision step are conducted simultaneously in parallel so that article still in use can be put up for sale as a secondhand article.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The usage data collection steps, usage history storage step, and usage history provision step would be performed the same regardless of the order. Thus, this descriptive material will not distinguish the claimed invention from prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide parallel processing of data because such data does not functionally relate to the steps in the method or system claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

7. As per **claim 8** Hagenbuch discloses a method performed by a computer system for providing secondhand article information, comprising:

a current state data collecting step in which, while said article is being put up for sale as a secondhand article, current state data that shows the current state of an article are collected at intervals (col. 9, lines 35-55; col. 20, lines 12-35);

a current step data storage step in which the collected current state data are stored in said data base (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55);

a current state data provision step in which while said article is being put up for sale as a secondhand article, the current state data for said article stored in said data base, are provided to a customer via a network (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55).

a current state data recollecting step in which, when said article is used while said article is being put for sale as a secondhand article, said current state of said article are recollected (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55);

a current state data updating step in which the current state data for said article stored in said data base are updated based on the recollected usage data (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55; col. 23, lines 54-65; col. 25, lines 27-49); and

an updated current state data provision step in which, while said current state data for said article are updated, the updated current state data for said article stored in said data base, is provided to the customer via the network (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55; col. 23, lines 54-65; col. 25, lines 27-49);

wherein said current state data comprises article location and cumulative operating hours of said article (see abstract; claims 29, 30 and 31)

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Hagenbuch however failed to explicitly disclose a current state data collecting step in which, while said article is being put up for sale as a secondhand article, current state data that shows the current state data are provided to the customer via the network.

Ukai et al discloses a current state data collecting step in which, while said article is being put up for sale as a secondhand article, current state data that shows the current state data are provided to the customer via the network (see figs. 1 and 5);

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hagenbuch and incorporate the ability to provide a a current state data collecting step in which, while said article is being put up for sale as a secondhand article, current state data are provided to the customer via the network as taught by Ukai et al in order to make available the current state data immediately available to the potential customer.

8. As per **claim 10**, Hagenbuch further discloses a method further comprising:
a service data collection step in which, when said article has been serviced, service data that shows the facts relating to the service of said article are collected (col. 56, lines 30-65).

a service history storage step in which the collected service data are stored as service history in said data base(col. 56, lines 30-65) and further discloses

a service history provision step in which, while said article is being put up for sale as a secondhand article, the service history for said article stored in said data base, is provided to a customer via a network (col. 56, lines 30-65).

What Hagenbuch does not teach is the service history for said article stored in said data base, is provided to a customer via a network.

Ukai et al discloses the service history for said article stored in said data base, is provided to a customer via a network (see figs. 1 and 5).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hagenbuch and incorporate the ability to provide a service history for said article stored in said data base, is provided to a customer via a network as taught by Ukai et al in order to make available the service history data immediately available to the potential customer for the purposes of evaluating the condition of the article before purchase.

9. As per **claim 11**, Hagenbuch discloses a method performed by a computer system for providing secondhand article information comprising:

a usage data collection step in which, when an article has been used, usage data showing the facts relating to the usage of that said article are collected (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55);

a usage history storage step in which, the collected usage data are stored as usage history in a database (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55).

a current state data collecting step in which, while said article is being put up for sale as a secondhand article, current state data that shows the current state of said article are collected at intervals (col. 9, lines 35-55; col. 20, lines 12-35)

a current state data storage step in which the collected current state data are stored in said data base (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55).

a current state data provision step in which while said article is being put up for sale as a secondhand article, the current state data for said article stored in said data base, is provided to a customer via a network (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55; col. 23, lines 54-65; col. 25, lines 27-49).

a usage history provision step in which, while said article is being put up for sale as a secondhand article, the usage history of the said article stored in said data base, is provided to a customer via a network (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55);

a usage data recollecting step in which, when said article is used while said article is being put up for sale as a secondhand article, said usage data are recollected (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55);

a usage data updating step in which the usage history of said article stored in said data base are updated based on the recollected usage data (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55; col. 23, lines 54-65);

an updated usage history provision step in which, while said usage history of the said article are updated, the updated usage history of said article stored in said data

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base, is provided to the customer via the network (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55; col. 23, lines 54-65);

a current state data recollecting step in which when said article is used while said article is being put up for sale as a secondhand article, said current state of said article are recollected (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55);

a current state data updating step in which the current state for said article stored in said data base are updated based on the recollected usage data (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55); and

an updated current state data provision step in which, while said current state data for said article are updated, the updated current state data for said article stored in said data base is provided to the customer via the network (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55; col. 23, lines 54-65; col. 25, lines 27-49);

wherein said usage data comprises operation data that shows an amount of work done by said article (see claims 29, 30 and 31); and

wherein said current state data comprises article location and cumulative operating hours of said article (see claims 29, 30 and 31).

What Hagenbuch does not explicitly disclose is

an updated current state data while article is put up for sale, the updated current state information is provided to the customer via the network.

Ukai et al discloses a method performed by a computer system for providing secondhand article information comprising: an updated current state data while article is put up for sale, the updated state information is provided to the customer via the network (figs. 1 and 5)

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hagenbuch and incorporate an updated current state data while article is put up for sale, the updated current state information is provided to the customer via the network as taught by Ukai et al in order to ensure data is updated and access to vehicle/article record would yield current state data for purposes of evaluating the article.

10. As per **claim 12**, Hagenbuch discloses a method performed by a computer system for providing secondhand article information, wherein said usage data collection step or current state data collection step includes a step for collecting usage data or current state data for said article by communicating with said article from a remote location away from the said article (see abstract; fig. 17; col. 8, line 60-col. 9, line 8).

11. As per **claim 13 and 20**, Hagenbuch further disclose a method further comprising:

a service data collection step in which, when said article has been serviced, service data that shows the facts relating to the service of the said article are collected (col. 56, lines 30-65);

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a service history storage step in which the collected service data are stored as service history in said data base (col. 56, lines 30-65); and

a service history provision step in which, while said article is being put up for sale as a secondhand article, the service history for said article stored in said data base, is provided to a customer via a network (col. 56, lines 30-65).

What Hagenbuch does not teach is the service history for said article stored in said data base, is provided to a customer via a network.

Ukai et al discloses the service history for said article stored in said data base, is provided to a customer via a network (see figs. 1 and 5).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hagenbuch and incorporate the ability to provide a a service history data collecting step in which, while said article is being put up for sale as a secondhand article, service history data are provided to the customer via the network as taught by Ukai et al in order to make available the service history data immediately available to the potential customer for the purposes of evaluating the condition of the article before purchase.

12. As per claim 15, Hagenbuch further discloses a method further comprising a step of updating said current state data within said data base based on collected said usage data (col. 23, lines 54-65).

13. As per claim 19, Hagenbuch discloses a computer system for providing information about secondhand articles comprising:

usage data collection means that, when an article has been used, collects usage data that shows the facts relating to the usage of article (see figs. 3 and 12; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55);

a database (col. 1, lines 20-28)

a usage history storage means that stores the collected usage data as usage history on said data base (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55);

usage history provision means that, while said article is being put up for sale as a secondhand article, provides the usage history for said article stored in said data base, to a customer via a network (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55);

usage data updating means that updates the usage history of said article stored on said data base based on the collected usage data (col. 23, lines 54-65); wherein,

Said usage data collecting means recollects said usage data of said article when said article is used while the article the article is being put up for sale as a secondhand article (see fig. 3; abstract; col. 1, lines 20-28; col. 2, line 65-col. 3, line 7; col. 3, lines 25-55);

Said usage data updating means updates the usage history of said article stored in said data base (col. 23, lines 54-65); and

Said usage history provision means provides the customer via the network with the updated usage history of said article stored in said data base,

Wherein said usage data comprises operation data that shows an amount of work done by said article (see claims 29, 30 and 31).

What Hagenbuch et al does not explicitly disclose is
usage history provision means provides the customer via the network with the updated usage history of said article stored in said data base

Ukai et al discloses usage history provision means provides the customer via the network with the updated usage history of said article stored in said data base (see fig. 1 and 5).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hagenbuch and incorporate the usage history provision means provides the customer via the network with the updated usage history of said article stored in said data base as taught by Ukai et al in order to provide usage condition of article.

14. **Claims 6, 7, 17 and 18,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagenbuch U.S. Patent 5,650,928 in view of Ukai et al U.S. Patent Application Publication U.S. 2003/0191581 as applied to claims 1, and 11 above, and further in view of Lancaster et al U.S. Patent Application Publication U.S. 2002/0065707.

15. As per claim 6, both Hagenbuch and Ukai et al failed to explicitly disclose a method wherein said usage data includes photographic data showing actual images of said article.

Lancaster et al discloses a method wherein said usage data includes photographic data showing actual images of said article (fig.13 and 26; page 10, 0114).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hagenbuch and incorporate the ability to provide a usage data wherein said usage data includes photographic data showing actual images of said article as taught by Lancaster et al in order to make available the actual images and current state of the article visually apparent to potential customer.

16. As per claims 7 and 18, both Hagenbuch et al and Ukai failed to explicitly disclose a method further comprising a download step of downloading the usage history or service history for said article, which are stored in said data base, to a terminal used by said customer via a network

Lancaster et al further discloses a method further comprising a download step of downloading the usage history or service history for said article, which are stored in said data base, to a terminal used by said customer via a network (see fig. 1, page 5, 0067).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hagenbuch and incorporate a method method further comprising a download step of downloading the usage history or service

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history for said article, which are stored in said data base, to a terminal used by said customer via a network as taught by Lancaster et al in order to provide current state article information immediately accessible and available to potential customers.

17. As per **claim 17**, both Hagenbuch and Ukai failed to explicitly disclose a method wherein said usage data includes photographic data showing actual images of said article

Lancaster et al discloses a method wherein said usage data includes photographic data showing actual images of said article (fig.13 and 26; page 10, 0114).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hagenbuch and incorporate a method wherein said usage data includes photographic data showing actual images of said article as taught by Lancaster et al in order to provide current state article visual information immediately accessible and available to potential customers.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of

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the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlie C. L. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(571) 273-8300. [Official communications; including After Final communications labeled "Box AF"].

(571) 273-8300. [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

Hand delivered responses should be brought to the United States Patent and Trademark Office Customer Service Window:

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Randolph Building,

401 Dulany Street

Alexandria VA. 22314

Charlie Lion Agwumezie

Patent Examiner

Art Unit 3621

April 10, 2006

Walter J. S.
PRIMARY EXAMINER